

Vegetation Control & Selective Pruning

Message Points

- A vegetation control and maintenance policy is an important part of a highway safety program
- Vegetation management is a common practice by utility Industries and businesses, consistent with American National Standards Institute (ANSI) guidelines
- The outdoor advertising industry is committed to reasonable control and maintenance of vegetation surrounding billboards

Vegetation Control Management

Vegetation control is a common, longstanding practice along roadways, for the sake of safety and visibility. Using widely accepted practices, utilities routinely trim vegetation so power lines can be maintained.

State Control

Most states with billboards have laws or regulations designed to control vegetation to protect the visibility of outdoor advertising structures. In 2005 and 2006, seven states enacted such provisions (Arkansas, Mississippi, Florida, Kansas, Michigan (amended in 2014), Virginia, and Wisconsin); Ohio adopted a policy in 2007.

Typically, state rules on vegetation control for billboards refer to a “view zone,” or “clear zone.” For example, Florida’s law, enacted in 2006 and subsequently amended, features a 500-foot view zone for posted speed limits of over 35 miles per hour. A view zone of 350 feet for posted speed limits of 35 miles per hour or less and a new requirement for new signs that involve removal of two nonconforming billboards in order to obtain a permit from the state. But the legislation also prohibits trees and other vegetation that are part of a roadway beautification project from being planted in a legally established billboard view zone; also, sound barriers that are a component of a road improvement project cannot be installed to block a sign’s visibility, and the statute allow signs to be elevated above noise walls. Oklahoma promulgated a new rule in 2012 which allows an 800-foot clear zone.

In 2013, the Georgia Supreme Court ruled that the state’s vegetation statute doesn’t violate its Constitution, trustee clause, or due process clause. Based on this opinion, Georgia DOT began processing permits for tree trimming and vegetation control measures. Also in 2013, North Carolina approved legislation to enhance visibility of

legal billboards statewide. Virginia has followed-up with its statutory provisions by releasing statewide guidelines for vegetation and pruning permits and establishing revised fee schedule.

Federal policy on billboards does not include vegetation control. A Federal Highway Administration memorandum, dated October 6, 2011, with memoranda from 1995 and 1992 enclosed as background, is the definitive federal policy.

The federal policy leaves it is up to the states to set guidelines and fees, which vary from state to state.

Best Practices

Vegetation control standards are created by experts at a respected not-for-profit organization that administers a wide variety of voluntary consensus standards for U.S. business: the American National Standards Institute (ANSI). OAAA encourages adherence to ANSI standards.

Likewise, the outdoor advertising industry opposes unauthorized vegetation removal, and supports fair enforcement of federal and state laws and policies.

As a matter of routine, most highway departments trim vegetation along the right of way in order to assure the safety of the traveled way. Further, states that have “Logo” signs and other on-right of way signs (i.e., TODS – tourist-oriented directional signs) near freeway exits maintain the visibility of those signs.

The Federal Highway Administration notes in its Abstract for “Vegetation Control for Safety,” August 2007, that:

Vegetation, if not controlled, can present a safety hazard for several reasons. Trees close to the road can present a fixed object hazard. Tall grass, weeds brush and tree limbs obscure or limit a driver’s view of the road ahead, traffic control devices, approaching vehicles, wildlife and livestock, and pedestrians and bicycles. The guide . . . is to provide guidance for maintenance crews, and to make them aware of safe ways to mow, cut brush and otherwise control roadside vegetation.”

When the private sector pays for vegetation pruning and trimming along roadways, it saves tax money.

Resources

“State Vegetation Control Program Fees and Clear Zone Chart,” Outdoor Advertising Association of America, September 2009

Federal Highway Administration (FHWA) guidance memorandum, F.D. Lucklow, Chief, Program Requirements Division, Washington, DC, November 24, 1992

“Vegetation Management Around Outdoor Advertising Facilities ‘Best Practices’ Guide,” Geoff Kempter, arborist, for the Outdoor Advertising Association of America, 2006

“Guide for Highway Landscape and Environmental Design,” American Association of State Highway and Transportation Officials (AASHTO), Operating Committee on Roadside Development, 1991

“Vegetation Control for Safety– A Guide for Local Highway and Street Maintenance Personnel,” Publication No. *FHWA-SA-070018, August, 2007,* U.S. Department of Transportation/Federal Highway Administration, August 2007

FHWA Letter to OAAA, October 6, 2011 – Confirming longstanding policy that states can establish vegetation control programs.



U.S. Department
of Transportation
**Federal Highway
Administration**

1200 New Jersey Ave., SE
Washington, D.C. 20590

October 6, 2011

In Reply Refer To:
HEPR

Mr. Myron Laible
VP, State, Local & Regulatory Affairs
Outdoor Advertising Association of America, Inc.
1850 M Street, NW, Suite 1040
Washington, DC 20036

Dear Mr. Laible:

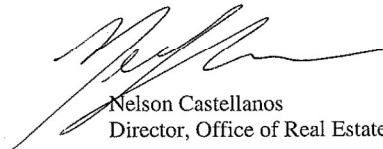
Thank you for your letter of September 20, 2011, asking about the Federal Highway Administration's (FHWA) role in vegetation maintenance along Federal-aid highways.

While the FHWA provides Federal-aid funds to the States for preserving the roadside in a safe and pleasant manner, the States are clearly responsible for the overall maintenance of the roadway and roadside. Therefore, the States can best answer questions about the removal of foliage and trees growing in front of a billboard. They can also address whether the removal of foliage and trees growing in front of billboard should be removed by the billboard's owner or the highway department.

I have enclosed a memorandum that we sent on November 24, 1992, to our Regional Administrator in Fort Worth, Texas that addresses similar concerns along with a letter that was sent to you on October 19, 1995. The guidance outlined in these two documents remains in effect today.

I hope this answers your request. If you have any further questions or comments, please contact me at 202-366-2058.

Sincerely,



Nelson Castellanos
Director, Office of Real Estate Services

Enclosures

American National Standards Institute A300 Guidelines

ASC A300 has written a series of ANSI A300 standards for tree care, including Pruning, Fertilization, Tree Support Systems (cabling and bracing) and Lightning Protection. *(ASC A300 is an accredited ANSI Standards Committee consisting of a cross-section of interested parties from the green industry (i.e. landscapers, arborists), utilities, government and others who administer and coordinate voluntary national consensus standards).* **Note: Geoff Kempter, Certified Arborist and President of Arboricultural Consulting Services, serves on the ANSI Standards Committee and prepared this report.**

The OAAA's "Vegetation Management around Outdoor Advertising Facilities 'Best Practices' Guide," created by Geoff Kempter, describes ANSI approved methods for maintaining vegetation in and around the view zones of outdoor advertising structures. Included in the guide is information on how to:

- Cost-effectively reduce the impact of trees on outdoor advertising facilities through proper tree pruning, tree removal and vegetation management techniques as defined in ANSI standards.
- Establish low-growing vegetative cover that resists invasion by trees and other undesirable vegetation, and enhance the environment surrounding outdoor advertising facilities.
- Increase acceptance of outdoor advertising vegetation management activities by local governments, interest groups and the public

(The 'Best Practices' Guide is available as a downloadable file from the Member's only section of the OAAA website, click on the government affairs page, and scroll to the vegetation category).

State Guidance

- ❑ Vegetation control, including tree removal, is in accord with good highway landscaping practices.

The "Guide for Highway Landscape and Environmental Design," prepared by the Operating Committee on Roadside Development of the American Association of State Highway and Transportation Officials, contains guidelines for the selective thinning of trees, "to create a natural transition between the open clearing of the site and the undisturbed woods, to form bays and open areas in woods, to thin heavy stands, to remove undesirable species, and to open views to vistas." *(For a copy of "Guide for Highway Landscape and Environmental Design," 1991, call the AASHTO book ordering department at 800-231-3475).*

As noted earlier, the Federal Highway Administration published a brochure, "Vegetation Control for Safety – A Guide for Local Highway and Street Maintenance Personnel," Publication No. FHWA-SA-070018, August, 2007, which notes that vegetation, if not controlled, can present a safety hazard to the motoring public. The purpose for the brochure is to help state and local maintenance workers identify locations where vegetation control is needed to improve traffic and pedestrian safety and provide tips about mowing, cutting and controlling roadside vegetation.

State Laws and/or Regulations on Vegetation Control and "Selective Pruning" (30 states)

**State Laws*

Alabama

Arkansas

California

Connecticut*

Florida

Georgia

Illinois

Kansas

Louisiana

Maryland

Michigan

Minnesota*

Mississippi

Missouri*

Montana

New Jersey

New Mexico (one city)

New York*

North Carolina

Ohio

Oklahoma

Oregon

Pennsylvania

Rhode Island

South Carolina*

Tennessee*

Utah*

Virginia

West Virginia

Wisconsin

Model State Laws

The following five state laws represent a cross-section of regulations that are prevalent across the country addressing vegetation control and billboards (MO, PA, SC, TN, and VA including operating procedures/application forms and regulatory authority).

Missouri

226.585

Vegetation along right-of-way, cutting of transportation department, duties

The state transportation department may cut and trim any vegetation on the highway right-of-way which interferes with the effectiveness of or obscures a lawfully erected billboard, or the highways and transportation commission shall promulgate reasonable rules and regulations to permit the cutting and trimming of such vegetation on the highway or right-of-way by the owner of such billboard. Such rules and regulations shall be promulgated within twelve months after August 28, 1992, or the commission shall suspend the collection of the biennial inspection fees prescribed by section 226.550 until such rules are promulgated, and such rules may include authority to charge a reasonable fee for such permission. This section shall not apply if its implementation would have the effect of making Missouri be in noncompliance with requirements of Title 23, United States Code, Section, 131.

Pennsylvania

P.L. 2720.6 (a)

(a) Permissible action. If the application is approved or deemed to be approved and the permit has been granted or deemed to have been granted, the permit may authorize all or any of the following action:

- (1) The applicant may raise or lower or adjust the device to reduce conflict with the vegetation so as to eliminate, as nearly as possible, the screening;
- (2) The applicant may prune or trim the vegetation to reduce or eliminate the screening;
- (3) The applicant may prune, trim, relocate or remove individual plants in the vegetation to reduce or eliminate screening.

South Carolina

57-25-140 (I) (1) (2) (3), (J)

(I) (1) No person may cut, trim, or otherwise cause to be removed vegetation from within the limits of highway rights-of-way unless permitted to do so by the department. Permits to remove vegetation may be granted only for sign locations which have been permitted at least two years and then only at the sole discretion of the department.

(2) If vegetation is removed from within a highway right-of-way without a permit by the sign owner or his agent and the removal has the effect of enhancing the visibility of the outdoor advertising sign, the sign is illegal and must be removed at the responsible party's expense.

Upon a violation of this subsection the responsible party is not eligible for a sign permit:

- (a) for one year: first violation;
- (b) for five years: second violation;
- (c) permanently: third and subsequent violations.

(3) The department must be reimbursed for cleaning or replanting at the site of the illegal cutting by the responsible party. Until the expenses are reimbursed, the responsible party must not be issued a sign permit.

(J) Signs permitted under items (1), (2), (3), and (4) of subsection (A) must comply with the regulations promulgated by the commission in accordance with uniform national standards.

Tennessee
51-29-119

(a) The commissioner shall issue to the owners and/or holders of lawfully issued outdoor advertising permits (which definition includes those described as legal conforming, grandfathered and nonconforming structures in federal regulations) when the face of the outdoor advertising is generally visible to occupants of vehicles from the main traveled ways of the system on the date of erection, permits to remove, cut and trim vegetation located on the right-of-way adjacent to the outdoor advertising and replace the same as directed, whenever such vegetation prevents clear visibility for a distance not to exceed five hundred (500) yards to occupants of vehicles using the main traveled ways of the controlled systems. Notwithstanding any other provision of this chapter to the contrary, vegetation which, on the date of erection of the outdoor advertising, blocks the view of the outdoor advertising, in whole or in any part, for a distance not to exceed five hundred (500) yards, to occupants of vehicles using the main traveled ways, shall not be eligible for removal under a vegetation control permit. The maximum area to be controlled shall not exceed five hundred feet (500'). The regional engineering director for the department shall issue a vegetation control permit where all criteria are met, following submission of information specified and a nonrefundable fee of one hundred dollars (\$100) for each face involved. Vegetation control permits will be issued upon payment of a fee of one hundred fifty dollars (\$150) per face for supervision of the work. All fees received by the commissioner under the provisions of this section shall be deposited to the highway fund for the administration of this part and for other purposes. Each subsequent year a maintenance permit may be purchased for fifty dollars (\$50.00) to provide annual maintenance at any one (1) location that is consistent with the original vegetation control permit.

(b) One (1) vegetation control permit fee will be waived for those owners who voluntarily remove a nonconforming structure. If the nonconforming structure to be removed is not at least one hundred fifty (150) square feet in size, two (2) nonconforming structures must be removed to authorize waiver. The latter applies only when the structure around which control is to occur is larger than three hundred (300) square feet.

(c) This waiver shall not be used as evidence in any future eminent domain proceeding relating to nonconforming structures.

d) Notwithstanding any other law to the contrary, it is the legislative intent that issuance of permits and carrying out of the work pursuant thereto are lawful activities and shall not be construed as violating any provision of law.

e) The commissioner may revoke, suspend or modify any vegetation control permit for cause, including violation of any terms or conditions of the permit.

Virginia

§ 33.1-371.1. Selective pruning permits; fees; penalty

Notwithstanding the provisions of § 33.1-353 or any other provision of law:

1. The Commonwealth Transportation Commissioner shall by permit authorize the selective pruning, within highway rights-of-way, as highways are defined in § 33.1-351, including within corporate limits of municipalities, of vegetation that obstructs motorists' view of signs displayed on outdoor advertising structures legally erected and properly maintained along the highways. Permits authorizing such pruning shall be issued in accordance with this section.

(a) All work performed under the permit shall be (i) subject to the direction of the Commissioner or his designee, (ii) supervised on-site by a certified arborist approved by the Commissioner, (iii) completed to the satisfaction of the Commissioner or his designee, and (iv) performed solely at the expense of the permittee.

(b) All pruning shall be performed in a manner that (i) creates a picture frame effect around the sign and (ii) beautifies the area surrounding the advertising structure. All cutting shall be limited to vegetation with trunk base diameters of less than six inches. Pruning cuts of limbs or branches or other vegetation with diameters greater than four inches and clear cutting shall not be authorized and shall be strictly prohibited. Pruning of vegetation in a highway median shall not be permitted where the locality within which the pruning is to be done has a local beautification project, as defined in this section, in the area within the scope of the selective pruning application; however, relocation or replanting of such vegetation shall be permitted in accordance with a landscaping plan as provided in this section.

(c) Any diseased or unsightly vegetation or any vegetation that endangers the health or retards the growth of desirable vegetation may be removed at the discretion of the certified arborist supervising the work. Any such removed vegetation shall be replaced at the permittee's expense with desirable vegetation.

2. The requirements of this section shall not apply to the owner or authorized agent of the owner of any sign, advertisement, or advertising structure exempted from the provisions of this article by § 33.1-355.

3. The Commissioner shall promulgate such regulations as he deems necessary or desirable to carry out the provisions of this section. Such regulations shall include but not necessarily be limited to the following requirements:

(a) Every application for a permit submitted under this section shall be accompanied by photographs of the affected site and a detailed description of work proposed to be performed.

(b) A fee of \$400 shall accompany every application made to the Commissioner, or if applicable, to the locality within which the pruning is to be performed. All such fees collected by the Commissioner shall be paid by the Commissioner into the state treasury, allocated to the Commonwealth Transportation Board.

(c) Every applicant shall post a bond payable to the Commonwealth, with surety approved by the Commissioner and in a form approved by the Attorney General, in the sum of \$2,500, conditioned on the permittee's fulfillment of all requirements of the permit.

(d) No permit shall be issued under this section in order to create a new site for an outdoor advertising structure.

4. Where the applicant is seeking a vegetation control permit in a locality where the public right-of-way is within the jurisdictional limits of a city or town on a highway or street not within the jurisdiction of the Commissioner under § 33.1-353 or on a highway or street in a county having the county manager form of government, the Commissioner shall delegate the administration of this section to that locality and, if so delegated, the locality shall apply the provisions of this section.

5. If there are plant materials in the public right-of-way that are part of a local beautification project, the Commissioner or the locality, as the case may be, may include a requirement, in accordance with the provisions of subdivisions 4 through 7, that, as a condition of the issuance of a vegetation control permit for selective pruning, the applicant submit a landscaping plan, showing how the applicant will relocate or replant the vegetation obstructing the motorists' view from the main traveled way of the highway or street of signs displayed on outdoor advertising structures, in lieu of the selective pruning of such plant materials. For purposes of this section, "local beautification project" means any project in a locality that includes installation of plant materials, using public or other funds, in any public right-of-way within a city or town or on a highway or street in a county with the county manager form of government. In the absence of the existence of a local beautification project in the area within the scope of the selective pruning application, no landscaping plan requirement shall be imposed on the applicant.

6. If subdivision 5 is applicable, the applicant shall pay the reasonable costs of implementing the landscaping plan, which may include but not be limited to, relocating existing plant materials, purchasing new replacement plant materials, and planting vegetation that will not grow to a height or position in the future so as to obstruct motorists' view from the main traveled way of the highway or street of signs displayed on outdoor advertising structures, as otherwise set out in the landscaping plan.

7. The provisions of subdivisions 4 through 7 shall apply to any local beautification project installed prior to July 1, 2006. On and after July 1, 2006, the locality shall not plant materials that obstruct motorists' view from the main traveled way of the highway or street of signs displayed on outdoor advertising structures.

8. Any application for vegetation control in compliance with this section submitted to the Commissioner shall be approved within 60 days of submission or shall be deemed approved. Any application for vegetation control in compliance with this section submitted to any city or town or on a highway or street in a county with the county manager form of government shall be approved within 60 days of submission or shall be deemed approved. The locality may impose conditions in approval of the landscaping plan consistent with this section and the regulations promulgated thereto. If the locality is not satisfied that the landscaping plan submitted by the applicant complies with this section, the locality may appeal to the Commissioner prior to the expiration of the 60-day period from the date of submission. If the applicant objects to the conditions imposed by the locality as part of the approval of the landscaping plan, the applicant may appeal to the Commissioner within 10 days after the final action by the locality. The appealing party shall submit a written appeal to the Commissioner, stating the reasons for such appeal, along with a fee of \$400. The Commissioner shall review the landscaping plan and the reasons for the appeal and shall issue a determination in accordance with this section within 30 days after filing of the appeal, which determination shall be binding upon the applicant and the locality.

9. Upon issuance of a vegetation control permit in accordance with this section, the applicant shall give written notice, at least seven days in advance of any site work, as authorized by the permit, of the date and time of the commencement of the site work as approved by the permit. Such written notice shall be given to the Commissioner unless the public right-of-way is within the jurisdictional limits of a city or town on a highway or street not within the jurisdiction of the Commissioner under § 33.1-353, in which case, the written notice shall be given to the local government official who approved the permit.

10. Any person found by a court of competent jurisdiction to have violated any provision of this section, any regulation adopted pursuant to this section, or any permit issued under this section, shall, in addition to the penalties provided in § 33.1-377, be prohibited by the court from applying for any other permit under this section for a period of not more than five years.

Commonwealth of Virginia LUP-OAVC
Department of Transportation
LAND USE PERMIT
7/24/2012
Outdoor Advertising

Vegetative Control

NOTICE OF PERMITTEE RESPONSIBILITY

Permittee Agreement for Land Use Permit Issuance

I, the undersigned applicant hereby acknowledge the following requirements associated with the issuance of a VDOT Land Use Permit authorizing vegetative control operations associated with outdoor advertising structures:

VDOT Land Use Permit Required by Law

The General Rules and Regulations of the Commonwealth Transportation Board are adopted pursuant to the authority of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highway system. Written permission is granted either by permit or a state-authorized contract let by VDOT. The permittee will be civilly liable to the Commonwealth for actual expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of 24VAC30-151 and 24VAC30-21, pursuant to § 33.1-19 of the Code of Virginia. Violators shall also be liable under 33.1-377.1 of the Code of Virginia.

Application Requirements

Application shall be made for all VDOT Land Use Permits authorizing vegetative control operations associated with outdoor advertising structures through the Roadside Management Program Administrator (State Roadside Manager) at 1401 East Broad Street, Richmond, VA 23236.

All land use permits authorizing vegetative control operations associated with outdoor advertising structures visible from state maintained highways shall be issued by the State Roadside Manager.

Application forms and general information regarding VDOT land use permitting for outdoor advertising vegetative control operations can be obtained by contacting the State Roadside Manager or the Central Office Permit Manager. The forms necessary to make application are the LUP-A Land Use Permit Application, an executed LUP-OAVC Special Provision form, an executed LUP-CCV Chemical Control of Vegetation form, an executed LUP-WZTCC Work Zone Traffic Control Certification form and a LUP-SB Permit Surety Bond or a LUP-LC Irrevocable Letter of Credit Bank Agreement.

Permit Term and Fees

VDOT land use permits for outdoor advertising vegetative control operations associated with outdoor advertising structures visible from VDOT maintained highways are valid for a period of one (1) year.

An annual fee of \$400.00 is required for vegetative control operations associated with all outdoor advertising structures visible from non-limited access highway segments within a specific VDOT construction district.

An annual fee of \$400.00 is required for vegetative control operations associated with outdoor advertising structures visible from limited access highways and covers all structures located along a specific route within a defined region.

Surety Requirement

A continuous surety is required in the amount of two-thousand five-hundred dollars (\$2,500.00) per land use permit issued to restore the right-of-way in the event of damage to state maintained facilities resulting from the authorized activity. The continuous surety may be in the form of cash or check, a surety bond or an irrevocable letter of credit bank agreement.

Insurance Requirements

The permittee or their agent shall secure and maintain sufficient insurance to protect against liability for personal injury and property damage that may arise from the activities performed under the authority of a regional land use permit and from the operation of the permitted activity. Insurance must be obtained prior to start of permitted work and shall remain valid through the permit completion date. The State Roadside Manager or the Central Office Permit Manager may require a valid certificate or letter of insurance from the issuing insurance agent or agency prior to issuing the land use permit.

General Requirements

Permittee acceptance and use of a Virginia Department of Transportation (VDOT) Land Use Permit is prima facie evidence that the permittee is fully responsible for all required permit provisions, applicable traffic control plans and associated construction standards to be employed. ALL applicants to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, members of the Board, the Commonwealth, and all Commonwealth employees, agents, and officers, from responsibility, damage, or liability arising from the exercise of the privileges granted in such permit to the extent allowed by law including any sums ordered to be paid or expended by VDOT by any governmental entity as a fine, penalty or damages for any violation of any applicable environmental law, or to remediate any hazardous or other material, including illicit discharge into VDOT maintained storm sewer systems.

The permittee agrees to secure and carry insurance against liability for personal injury and property damage that may occur as a result of the work performed under a VDOT Land Use Permit or that may arise from the permitted activity.

ALL

work authorized or performed under a VDOT Land Use Permit authorizing vegetative control operations associated with outdoor advertising structures shall be subject to VDOT's direction and be in accordance with the Virginia Department of Transportation (VDOT) Vegetation Control Regulations on State Rights-of-Way and the Virginia Department of Transportation (VDOT) Tree and Brush Trimming Policy.

A copy of the VDOT Land Use Permit for outdoor advertising vegetative control operations shall be maintained at each work site at all times.

The State Roadside Manager (or designee) may require the issuance of a single use permit (per board) when vegetative control operations associated with outdoor advertising structures impedes highway travel and/or requires the implementation of traffic control.

The permit application shall include an annual work schedule and include at a minimum, (i) the outdoor advertising permit number(s), and (ii) the structure location(s) and route number(s) where vegetative control operations will occur. The permit may be renewed annually provided that a new annual work schedule is provided for the year covered by the authorized permit extension(s).

Prior to issuance of a VDOT Land Use Permit the State Roadside Manager (or designee) and the permit applicant (and/or their arborist) shall perform a field review of the proposed activities outlined in the annual work schedule.

The permittee's contract crews shall notify the State Roadside Manager (or designee) by telephone or electronic communication to confirm their work location(s) prior to initiating outdoor advertising vegetative control operations.

The permittee's contractor shall notify the State Roadside Manager (or designee) by telephone or electronic communication upon the completion of work at the designated outdoor advertising structure or structures listed on the annual work schedule.

Failure to provide the work location and/or work completion notification may result in the suspension or revocation of the VDOT Land Use Permit authorizing vegetative control operations associated with outdoor advertising structures.

It shall be the permittee's responsibility to obtain any and all necessary permits that may be required by any other government agencies.

No land disturbance shall be allowed under a VDOT Land Use Permit authorizing outdoor advertising vegetative control operations on state maintained rights-of way.

All cut vegetation shall be chipped, beneficially used, or immediately removed from state maintained right of way and disposed of in accordance with the Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) of the Virginia Waste Management Board with the following exceptions:

- Wood can remain on the right-of-way outside of the clear zone for no longer than seven (7) days. Wood should be cut into lengths that can be easily handled by one individual.
- Cut vegetation may remain on a fill slope as authorized by the State Roadside Manager (or designee).

When trees are completely removed the stumps shall be cut to a height of 2-inches and the face of the stump shall be cut parallel with the surrounding grade.

Climbing irons shall not be used except on trees that are to be completely removed.

Outdoor advertising vegetative control operations shall be accomplished in accordance with the following:

- American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practice (ANSI A300)

- American National Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush – Safety Requirements (ANSI Z133.1)
- International Society of Arboriculture (ISA), Best Management Practices – Tree Pruning

For the term of the permit, the permittee shall employ (on staff) or engage (on contract) an arborist who is currently certified by the ISA to represent the permittee. The arborist shall provide the permittee's contract crews with the necessary guidance to ensure that the authorized activities are performed in accordance with the permit provisions. The arborist shall contact the State Roadside Manager (or designee) for approval prior to the complete removal of vegetation having a trunk base diameter greater than or equal to 6-inches from state maintained right-of-way. The arborist shall be available to meet on site with VDOT representatives within 24 hours of notification for dispute or performance resolution. A copy of the arborist's current certification shall be made available upon request by authorized VDOT representatives.

The permittee's arborist must be present during all pruning and/or complete tree removal from within state maintained right-of-way.

The permittee shall contact the State Roadside Manager (or designee) in the event that emergency vegetation removal is necessary due to a vehicular accident or acts of nature.

All herbicide applicators shall meet the applicable requirements established by the Virginia Department of Agricultural and Consumer Services and maintain a Category 6 (ROW) certification. Activities involving the chemical control of vegetation shall comply with all applicable federal and state regulations.

Traffic Control and Safety

The permittee shall at ALL times give strict attention to the safety and rights of the traveling public, their employees, and contractors. The land use permit may be revoked or suspended when in the opinion of the State Roadside Manager (or designee), the safety, use or maintenance of the highway so requires.

The permittee shall immediately correct any situation that may arise as a result of these activities that the State Roadside Manager (or designee) deems hazardous to the traveling public.

All activities performed under the auspices of a VDOT Land Use Permit involving the installation, maintenance and removal of work zone traffic control devices must have at least one (1) person on-site who, at a minimum, is verified by VDOT in Basic Work Zone Traffic Control. A person verified by VDOT in Intermediate Work Zone Traffic Control must be on-site to provide supervision during work zone adjustments or changes to traffic control due to field conditions. These persons must have their verification card with them while on the work site. The permittee shall be exempt from this requirement if the permitted activity does not involve the installation, maintenance and removal of work zone traffic control devices.

Authorized Hours and Days of Work

The State Roadside Manager (or designee) shall establish any necessary time restrictions in normal working hours and days for VDOT Land Use Permits authorizing outdoor advertising vegetative control operations.

Inspections

The absence of a VDOT inspector does not in any way relieve the permittee of their responsibility to perform the work in accordance with these provisions, the Virginia Department of Transportation

(VDOT) Vegetation Control Regulations on State Rights-of-Way and the Virginia Department of Transportation (VDOT) Tree and Brush Trimming Policy.

Upon completion of outdoor advertising vegetative control operations at the designated outdoor advertising structure or structures on the annual work schedule the permittee shall provide notification, documented in writing, by telephone or electronic communication, to the State Roadside Manager (or designee) requesting final inspection. This request shall include the information required by VDOT including the name of the permittee, the outdoor advertising permit number, land use permit number, route number and specific location of the completed outdoor advertising vegetative control operations.

Permit Revocation

A VDOT Land Use Permit authorizing vegetative control operations associated with outdoor advertising structures may be revoked if the permittee violates the terms of the permit or any of the requirements of this chapter, including but not limited to any, all, or a combination of the following:

- The permittee fails to make any/all documented corrections and contact the State Roadside Manager (or designee) for re-inspection within 30 calendar day's receipt of initial final inspection correspondence from VDOT outlining the deficiencies in the work performed.
- The permittee performs any activity under the jurisdiction of a regional permit that requires the issuance of a single use permit.

In the event of any such violation VDOT may require that the permittee obtain single use permits from the State Roadside Manager to continue outdoor advertising vegetative control operations during the revocation period. In addition VDOT may apply additional penalties in accordance with § 33.1-377.1.

Permittee Notice

The preceding provisions are a summary of the Land Use Permit Regulations and relevant outdoor advertising control requirements. The permittee should contact the State Roadside Manager or the Central Office Permit Manager with questions or concerns regarding permitting for vegetative control operations associated with outdoor advertising structures.